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Attorneys for Defendant
APPLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

AYLUS NETWORKS, INC., a Delaware
corporation,

Plaintiff,

v.

APPLE INC., a California corporation

Defendant.

CASE NO. 3:13-cv-04700-EMC

**STIPULATION FOR APPLE'S MOTION
TO DISMISS AND [PROPOSED] ORDER**

Hearing Date: March 27, 2014
Time: 1:30 p.m.
Judge: Edward M. Chen
Courtroom: 5, 17th floor

1 WHEREAS, on January 27, 2014, Plaintiff Aylus Networks, Inc. ("Aylus") filed a First
2 Amended Complaint;

3 WHEREAS, on February 13, 2014, Defendant Apple Inc. ("Apple"), filed a Notice of
4 Motion And Motion To Dismiss Aylus's First Amended Complaint For Failure To State A Claim,
5 Or, In The Alternative, Motion For A More Definite Statement, with a hearing date set for March
6 20, 2014 before Judge Chen;

7 WHEREAS, on February 27, 2014 Aylus and Apple stipulated that (1) Aylus' Opposition
8 to Apple's Motion would be due on March 6, 2014; (2) Apple's Reply to Aylus's Opposition
9 would be due on March 13, 2014; and (3) the hearing for Apple's motion in front of Judge Chen,
10 would be on March 27, 2014 at 1:30 PM;

11 WHEREAS, Aylus and Apple have met and conferred to resolve the matter in good faith
12 and not burden the Court with unnecessary hearings;

13 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the parties that:

14 1. Aylus will file a Second Amended Complaint. The only changes to the existing
15 complaint will be to drop the willfulness allegations, namely paragraph 26 and Prayer for Relief 4
16 of the First Amended Complaint.

17 2. Aylus will file the Second Amended Complaint no later than Monday, March 10, 2014.
18 Upon such filing, Apple will withdraw its Motion to Dismiss the First Amended Complaint; and
19 the hearing date for such motion, scheduled for March 27, 2014, will be taken off calendar.

20 3. Aylus intends to seek reasonable discovery regarding willfulness. Apple agrees that it
21 will not object on the grounds of relevance to Aylus' discovery directed to (1) Mr. Rob Orgel's
22 alleged pre-suit knowledge of the patent-in-suit and (2) any alleged Apple monitoring of the
23 issuance of patents in the field of U.S. Patent No. RE44,412 ("the '753/412 patent") that allegedly
24 resulted in Apple's alleged identification of the '753/412 patent. Apple reserves the right to object
25 to any additional discovery on the grounds of relevance in addition to any other non-relevance
26 objections.

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IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED: March 4, 2014

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

DLA PIPER LLP (US)

/s/ Amar L. Thakur

/s/ Mark D. Fowler

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1 PURSUANT TO STIPULATION, IT IS SO ORDERED.

2
3 Dated: 3/5/14

By:

